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BEFORE THE ARIZONA CORPORATION CC

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Arizona Corporation Commission

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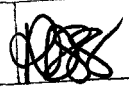
DEC 19 2007

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2007 DEC 19 P 4:35

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY 

IN THE MATTER OF THE) DOCKET NO. RR-03639A-07-0517
APPLICATION OF UNION)
PACIFIC RAILROAD TO ALTER) UNION PACIFIC RAILROAD
CROSSINGS OF THE UNION) COMPANY'S RESPONSE TO
PACIFIC RAILROAD AT MARICOPA) STAFF MOTION FOR
(SR 347), PORTER, WHITE & PARKER,) EXTENSION OF DEADLINE
AND HARTMAN ROADS) UP DOUBLE TRACK CASES

Applicant Union Pacific Railroad Company ("Union Pacific") opposes Staff's motion on the grounds that it "requests an indefinite extension of the filing deadline for the Staff Report pending finalization of the arrangement with the consultants." (Emphasis added.) Union Pacific understands that "Staff has chosen to bring outside consultants in to assist in the preparation of Staff's case and the Staff Report," as stated in Staff's motion. It is not Union Pacific's intention to object to Staff's use of consultants in preparing Staff's report.

But Union Pacific made a complete presentation of its double-track project to the Commissioners in a special open meeting on June 22, 2007. As Staff's motion points out, the application at issue in this Docket Number, filed on September 7, 2007, has now been pending for more than four months. The Procedural Order setting December 28, 2007 for Staff's report was filed November 8, 2007. If additional time was still needed to retain a consultant, even though the facts and issues relating to Union Pacific's proposed alterations to these crossings were substantially known many months before the Procedural Order was entered, the request for additional time should have been made soon after the application was filed. Further delay in

1 consideration of Union Pacific's application to double track the crossings involved in this
2 application, especially at this stage, will be very detrimental to Union Pacific's attempt to meet
3 the demands of its customers for more rail freight service to, from, and through Arizona and in
4 the Southwest generally.

5 Even if unexpected difficulties have arisen with Staff's consultant, it nevertheless seems
6 unreasonable to ask for an indefinite extension of the filing deadline for the Staff report. An
7 indefinite extension provides no incentive to have the consultant expedite his or her report sooner
8 than his or her usual 30 days. That is why Union Pacific objects to Staff's suggestion that it will
9 "file a request for procedural order at such time as Staff is in a position to commit to specific
10 dates." Union Pacific would respectfully request instead that, because this application has already
11 been pending for a considerable amount of time, any extension should be for no more than 30 days
12 to keep the application process moving forward within a predictable time frame.

13
14 RESPECTFULLY SUBMITTED this 19th day of December, 2007.

15 BEAUGUREAU, ZUKOWSKI, HANCOCK,
16 STOLL & SCHWARTZ, P.C.

17 By: Terrance L. Sims
18 Anthony J. Hancock
19 Terrance L. Sims
20 302 East Coronado Road
21 Phoenix, Arizona 85004
22 Attorneys for Applicant Union
23 Pacific Railroad Company

24 ORIGINAL AND THIRTEEN COPIES
25 of the foregoing filed this 19th day of
26 December, 2007, with:

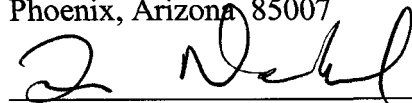
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

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1 COPY of the foregoing mailed this
2 19th day of December, 2007, to:

3 Mr. David Raber
4 Mr. Brian Lehman
5 Mr. Chris Watson
6 Railroad Safety Section
7 Arizona Corporation Commission
8 1200 West Washington Street
9 Phoenix, Arizona 85007

7 Janice M. Alward, Esq.
8 Charles H. Hains, Esq.
9 Kenya Collins, Esq.
10 Legal Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

11 

12 Dan Norkol